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February 12, 2024

By ECF

Honorable Sara L. Cave
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Vega v. City of New York, et al.,
23 Civ. 5645 (CM)

Your Honor:

I represent the City of New York (the “City”) in the above-referenced matter. The City respectfully submits this status letter pursuant to the Court’s Order dated January 29, 2024, and to respectfully request that the Court adjourn the settlement conference to a later date convenient for the Court (ECF No. 25). Plaintiff consents to this request.

By way of background, on January 10, 2024, the Court issued an Order directing the City to “file a letter on the docket confirming its representation of Defendants Correction Officer Hehl, Captain Boodoo, and Captain Malcom (the “Individual Defendants”) and that the Individual Defendants will either (i) waive service of the Complaint, or (ii) agree that the Office of the Corporation Counsel may accept service on their behalf” by January 26, 2024 (*id.*). Shortly after the Court issued its Order on January 10, 2024, this Office conferred with the New York City Department of Correction (“DOC”) and, on January 11, 2024, DOC filed waivers of service on the Individual Defendants’ behalf. On January 26, 2024, the City filed a letter reporting that this Office had not yet concluded its investigation concerning whether it would assume representation of the Individual Defendants (ECF No. 24). On January 29, 2024, the Court issued an Order directing the City to file a letter reporting on the status of this Office’s representation of the Individual Defendants by February 12, 2024 (ECF No. 25).

This Office has assumed representation of defendant Boodoo and will likely assume representation of defendant Malcolm later this week. However, since the City’s last status report, this Office has made the decision to decline representation of defendant Hehl. It is not clear whether defendant Hehl has retained counsel, however, after the decision to decline representation was made, the undersigned promptly contacted the firm who will likely represent defendant Hehl

to apprise the firm of this Office's decision. As the Court is aware, defendant Hehl's response to the Complaint is currently due March 11, 2024.

Given these circumstances, and in order to afford defendant Hehl time to consult and retain counsel prior to participating in a settlement conference, the City respectfully requests that the Court adjourn the status conference currently scheduled for February 27, 2024, at 2:30 p.m., to a date on or after March 25, 2024. The City sincerely apologizes for any inconvenience the requested adjournment may cause the Court.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Zachary Kalmbach

Zachary Kalmbach
Senior Counsel

cc: **Via ECF**
All counsel of record